

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**FILED**  
HARRISBURG, PA

JAN 11 2018

Per

*[Signature]*  
Deputy Clerk

UNITED STATES OF AMERICA : NO. 1:16-CR-82  
:   
v. : (JUDGE YVETTE KANE)  
:   
SCOTT LANE : (ELECTRONICALLY FILED)  
Defendant :

**FACTUAL BASIS**

The defendant agrees that the following factual basis is true and correct and that if this case had gone to trial, the United States could have proven these facts beyond a reasonable doubt.

1. “Application A,”<sup>1</sup> is designed for video conferencing on multiple device formats. To use this application, a user downloads the application to a computer, mobile phone or other mobile device (*e.g.*,

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<sup>1</sup> The actual name of “Application A” is known to law enforcement and the defendant. This application remains active and disclosure of the name of the application would potentially alert its users to the fact that law enforcement action is being taken against users of the application, thereby provoking users to notify other users of law enforcement action, flee, and/or destroy evidence. Accordingly, to protect the confidentiality and integrity of the ongoing investigation involved in this matter, specific names and other identifying factors have been replaced with generic terms and the application will be identified herein as “Application A.”

tablet) via direct download from the company's website. Once downloaded and installed, the user is prompted to create an account. "Application A" users can invite others to an online meeting "room." In each instance, both "Application A" and the targets are referring to the 10-digit number that specifically identifies an online location where each user can see and interact with the other users in the same room.

2. When a user chooses to enter a specific meeting room, the user enters the 10-digit number and enters the username that he wants to use on that specific occasion, which does not have to be the same as the account username. "Application A" does not require a certain number of characters for a particular username. Consequently, a user can create a name with a single special character, such as "#" or a single letter, such as "a."

3. During a meeting, users can show a live image or video of themselves to other users through the webcam feature. Users may also display the contents of their own computer desktops to the other users in the room. The ability to display their own computer desktops allows users to show videos and photos to other users in the room.

“Application A” also allows users to send text messages visible to all of the users in the room, or private messages that are similar to instant messages sent between two users.

4. “Application A” permits users to conduct online video conferences for free for a limited number of minutes. Paid subscribers can conduct online video conferences for an unlimited amount of time. Some “Application A” users with a paid account permit their rooms to be accessed without a password such that anyone who knows the room number can enter and leave the room at any time.

5. On July 22, 2015, Toronto law enforcement began monitoring an “Application A” room that Toronto law enforcement became aware of on July 10, 2015 as a room that showed child pornography. The Toronto UC observed a German user streaming a video from the “Tara” series, which depicts an adult male wearing a mask while he vaginally and orally rapes the prepubescent girl. During the stream of that video, Defendant William Augusta was logged into the room. The Toronto UC successfully recorded the stream of that video.

6. At approximately 18:37 EDT, Augusta (utilizing user name "Guy Johnson") posted "Pennsylvania with a . . . toy if you can visit." Immediately thereafter, at 18:38 EDT, the German user who had been streaming the "Tara" series, began streaming a prerecorded video called "boy1.mp4" that depicted Augusta orally raping a prepubescent black child (hereafter Victim-1). The Toronto UC successfully recorded the stream of that video. While the video was streaming, Augusta commented, "mmmmmmmm now THIS is porn." Additionally, during the stream of that video, other users in the room commented on the video. For example, Defendant Sewell, a.k.a. "SexEducation8-13" commented, "rape the nigger baby!!!," After the video completed, Augusta posted, "if you liked that last hardcore vid that was recorded live, me and my fucktoy [age redacted] yr old [Victim-1's real first name]." Another user suggested to Augusta, "nice you should bring out your fucktoy."

7. The Toronto UC attempted to message Augusta via "Application A," but was unsuccessful. Between approximately 18:50 and 19:16 EDT, the Toronto UC was away from the computer and it

was not recording, but the "Application A" room was still active and the UC was logged into that room. Upon returning to the computer at approximately 19:17 EDT, the UC observed Augusta streaming the live sexual abuse of Victim-1. Specifically, Augusta orally raped Victim-1 and also digitally penetrated Victim-1's anus. The live abuse stream continued until approximately 19:22 EDT when another user took over the screensharing function in Application A, which made that user's screen the dominate screen, and Augusta's screen was minimized for everyone. A few seconds later, Augusta's screen turned off. The Toronto UC was able to record the activity from approximately 19:17 EDT until the end of the stream.

8. On that same day, July 22, 2015, the Toronto UC contacted a Homeland Security Special Agent located in Phoenix, Arizona and advised that agent about the live-abuse activity just witnessed in "Application A." On that same day, July 22, 2015, the HSI agent served a summons on Application A for IP logs associated with the room in which Toronto UC had observed the live abuse. "Application A" quickly responded and provided the IP address, which geolocated to the

Carlisle, Pennsylvania area and was registered to Comcast Communications. The HSI agent then served an “exigent circumstances” request on Comcast, which verbally provided the subscriber name, address and telephone number. Additional open-source checks confirmed that the subscriber residence was a multi-generational household that included a prepubescent child that matched the description and depiction of the child who had been viewed in “Application A.”

9. On July 23, 2015, a Pennsylvania state search warrant was executed at the residence in Carlisle, PA. Victim-1 was rescued and subsequently confirmed that he had been repeatedly sexually abused by Augusta. Augusta was arrested, but refused to make a statement. Subsequent review of chat logs revealed that Augusta has told other like-minded pedophiles that he has been sexually abusing Victim-1 since Victim-1 was one-year-old.

10. The following is a relevant timeline of events that occurred in the “Application A” room before and during the live transmission. First, a user in Germany streamed a previously recorded video of

Augusta sexually abusing Victim-1. During that stream, Defendants Augusta, Sewell, and Fensler commented on it. A few minutes later, Augusta brought Victim-1 in front of the camera and proceeded to sexually abuse him, including oral rape and digital penetration, for the next 22 minutes. During the live-stream, other defendants, including Defendant Scott Lane, and unindicted co-conspirators, commented on the sexual abuse in a way that encouraged the abuse to continue.

Previously Recorded Video of August Abusing Victim-1

18:38:16 From SEXeducation8-13 : rape the nigger baby!!!! (David Sewell)

18:38:33 From YngCanPigPerv : sorry guys (Non-U.S. target)

18:38:35 From YngCanPigPerv : lol (Non-U.S. target)

18:38:38 From YngCanPigPerv : its on now (Non-U.S. target)

18:38:48 From dirtypervy : rape that lil nigger

18:39:39 From Guy Johnson : mmmmmmmmmmmmmmm now THIS is porn (Augusta)

18:40:29 From babyRaperSnuffer : nice vid (Matthew Fensler)

18:41:52 From Guy Johnson : if you liked that last hardcore vid that was recorded live, me and my fucktoy 6 yr old [Victim-1's real first name] (Augusta)

18:42:08 From SEXeducation8-13 : hot:) (David Sewell)

18:42:15 From micheal : mmmmmmmmmmmmmmm

18:42:16 From SEXeducation8-13 : you are my idol (David Sewell)

18:42:19 From babyRaperSnuffer : nice you should bring out your fucktoy (Matthew Fensler)

18:44:24 From . : hey guys if the vid has sound please rember to MUTE ur MIC (Bruce Edgecombe)

18:44:37 From perv : any lil puss vids? (Non-U.S. target)

18:45:21 From . : luv anything BALD b/g brutal or consentual (Bruce Edgecombe)

18:46:18 From xxx to gl(private) : hey man (Non-U.S. target)

18:46:37 From pervpred : nepi guys?

18:46:42 From d to gl(private) : hot (Non-U.S. target)

18:46:51 From babyRaperSnuffer : luv nepi (Matthew Fensler)

18:47:08 From . : luvr it storment c (Bruce Edgecombe)

18:48:32 From . : as u all can see i like a littl pan with my PEDOS (Bruce Edgecombe)

18:48:43 From h. loroc : any young teen vids? (Ed Westbury)

18:48:59 From SS Lorenz : Do (Non-U.S. target)



18:51:24 From YngCanPigPerv : I think my cam is working now? (Non-U.S. target)

18:51:25 From pervpred : ne1 else with wife or gf in the house

18:52:29 From nyc perv : 31 nyc perv here (Scott Lane)

18:52:38 From Big Dawg : Georgia?

18:54:06 From Guy Johnson : srry back if u messaged me (Augusta)

18:54:49 From Guy Johnson : did u guys like that video? (Augusta)

18:55:17 From dirtypervy : love some good boi rapping

18:55:22 From . : GUy hot HOTTTTTTTTTTTTTTTT (Bruce Edgecombe)

18:55:59 From babyRaperSnuffer : fuck yea hot vid earlier (Matthew Fensler)

18:56:03 From Sla,NPerv : london? (Non-U.S. target)

18:56:38 From . : us mid wwst (Bruce Edgecombe)

18:58:05 From nyc perv : nyc anyone? (Scott Lane)

18:59:23 From nyc perv : anyone showing vids? (Scott Lane)

18:59:36 From New 'Phone : or live? (Non-U.S. target)

18:59:44 From Daniel Sotherland : so appreciate if someone showed vids— need to bust before work (Dylan Heatherly)

18:59:47 From nyc perv : i can do live tomorrow (Scott Lane)

18:59:56 From New 'Phone : with what? (Non-U.S. target)

19:00:15 From . : ask GUY if [Victim-1] is home (Bruce Edgecombe)

Live Event Begins Here

19:00:25 From New 'Phone : [Victim-1] is home (Non-U.S. target)

19:01:00 From New 'Phone : we all watching guy johnson (Non-U.S. target)

19:01:05 From babyRaperSnuffer : turn off the video wtf? (Matthew Fensler)

19:01:06 From nyc perv : who is [Victim-1]? (Scott Lane)

19:01:25 From New 'Phone : Stop screensharing (Non-U.S. target)

19:01:41 From New 'Phone : guy has his [relative] [Victim-1] (Non-U.S. target)

19:01:42 From h. loroc : keep it (Ed Westbury)

19:02:34 From dirtypervy : thanks man

19:02:37 From dirtypervy : made me shoot haha

19:02:46 From Daniel Sotherland : so close here (Dylan Heatherly)

19:03:19 From letsdothisnowtool : Look at that throbbing (Moises Marquez)

19:09:32 From jay : spread his ass cheeks (Non-U.S. target)

19:09:59 From babyRaperSnuffer : you should smack him around a couple of times (Matthew Fensler)

19:10:20 From nyc perv : let us hear the audio (Scott Lane)

19:11:03 From Andy : guy put the sound on (Non-U.S. target)

19:11:35 From nyc perv : make out with him (Scott Lane)

19:13:10 From lovefurrymen : there's one perv here (Non-U.S. target)  
19:13:17 From nyc perv : show more face (Scott Lane)  
19:13:27 From lovefurrymen : guy Johnston (Non-U.S. target)  
19:13:46 From lovefurrymen : no child here! (Non-U.S. target)  
19:13:56 From SS Lorenz : Sado (Non-U.S. target)  
19:14:08 From cumslut perv : cams on please (Casey O'Dell)  
19:14:58 From Pp : Spit in his face (Non-U.S. target)  
19:15:44 From nyc perv : fuck him (Scott Lane)  
19:15:53 From Andy : guu he needs to be fucked (Non-U.S. target)  
19:17:58 From Andy : rape him (Non-U.S. target)  
19:18:51 From b b\_lv : how old is the boy (Non-U.S. target)  
19:21:12 From nyc perv : 31 nyc perv here. fuck nephew. (Scott Lane)  
19:21:49 From Irish pd : Age is nephew? (Non-U.S. target)  
19:21:54 From Andy : guy some guys think this is a vid do something to prove it's live (Non-U.S. target)  
19:21:58 From Andy : smack him (Non-U.S. target)  
19:22:50 From . : [Victim-1] has his shirt on again (Bruce Edgecombe)

Live Event Ends Here

19:23:47 From Andy : get him to say hi andy (Non-U.S. target)  
19:24:28 From nyc perv : lets see some fucking (Scott Lane)

19:25:52 From Dad Bear : hi guys

19:27:15 From nyc perv : anyone have vids? (Scott Lane)

19:27:44 From FlyingPerv : cunts? (Non-U.S. target)

19:27:50 From gl to Guy Johnson (privately) : was that a vid or live?  
(Toronto UC)

19:27:51 From FlyingPerv : u like? (Non-U.S. target)

19:28:15 From nyc perv : oh yeah (Scott Lane)

19:29:12 From YngCanPigPerv : SMOKE TIME? (Non-U.S. target)

11. On April 12, 2016, Homeland Security Investigations agents interviewed Lane at his residence in New York, New York. During that interview, the agents asked Lane about seeing the abuse of Victim-1 on “Application A.” In response, Lane told the agents interviewing him, “hypothetically, if I told you what I saw I don't feel comfortable discussing it. I don't know the law.” When the agents asked Lane if he did not care about the little boy in the video, Lane stated “that's not true, I can't help you. I'm being selfish and I don't know the law.” Lane now admits that he did see Victim-1 being sexually abused on July 22, 2015.

12. In fact, Lane was connected to the “Application A” room from approximately 18:52:09 to 19:45:06 EDT on July 22, 2015, for a total of about 53 minutes.

13. Lane admits that from approximately 19:00 EDT to 19:22 EDT was a live transmission of the sexual abuse of Victim-1 by Augusta, and that it was not a prerecorded video.

14. On July 22, 2015, and on other occasions, Defendant Lane utilized the alias “NYC Perv.” Defendant Lane agrees that the comments and requests by him to the entire room (e.g., “make out with him,” “fuck him,” “show more face”) served to encourage Defendant Augusta to sexually abuse Victim-1 live on video camera for all participants to see. Additionally, Defendant Lane sent private messages to co-Defendant Augusta during the live event that further encouraged the sexual abuse, such as “get him naked,” “you fuck him?”, and “hot man”. Furthermore, Defendant Lane admits that others in the room expressly requested that additional videos of child pornography be streamed to the entire room, and that his participation in that room was evidence of an agreement to collectively seek child pornography in

live or recorded form such that the requests by others amounted to a notice and advertisement.

15. Indeed, the forensic analysis of his electronic devices revealed that Defendant Lane frequented multiple “Application A” rooms, many of which he knew streamed child pornography. Additionally, the forensic analysis of his electronic devices revealed that Lane possessed and accessed multiple videos of prepubescent child pornography. For example, the file titles on his electronic devices included “6yo enjoy dads cock.avi,” “Andy 4yo anal.avi” and “Toddler Rape.avi.” Similarly, some of the photographs included an infant crying with an adult male penis against the infant’s face. Another video depicts a toddler with semen on her face while she continues to masturbate an adult penis that is inches from her face. Yet another photograph depicts an adult penis sodomizing a child under 2 years old.

16. Count Nine: With regard to Count Nine, Lane admits that this count is supported by the facts in Paragraphs 1-15, incorporated herein. Additionally, Lane admits that he and the other defendants listed in Count Nine assisted co-Defendant Augusta in the production of

sexually explicit images of Victim-1 on July 22, 2015 on “Application A” simply because they individually and collectively encouraged Augusta to bring Victim-1 in view of the web camera so that the others located all over the United States (and world) could see Augusta sexually abuse Victim-1 live.

17. Count Ten: With regard to Count Ten, Lane admits that this count is supported by the facts in Paragraphs 1-15, incorporated herein. Additionally, Lane admits that he entered an agreement with the co-defendants listed in Count Ten by frequenting the same rooms on Application A where it was known that people interested in viewing images and live transmissions of the sexual abuse of children would congregate.

18. Count Eleven: With regard to Count Eleven, Lane admits that this count is supported by the facts in Paragraphs 1-15, incorporated herein. Additionally, Lane admits that during the timeframe of the conspiracy (April 11, 2014 to May 11, 2016), Lane and the other co-defendants agreed to receive and distribute sexually explicit images of children via “Application A” by frequenting the same

rooms, and expressly requesting that someone play videos or show photos of child pornography.

19. Count Twelve: With regard to Count Twelve, Lane admits that this count is supported by the facts in Paragraphs 1-15, incorporated herein. Lane and the other defendants assisted each other by congregating in an “Application A” room with their cams on in an effort to create what appeared to be a trusted environment to receive and distribute child pornography.

20. Count Thirteen: With regard to Count Thirteen, Lane admits that this count is supported by the facts in Paragraphs 1-15, incorporated herein. Lane and the other defendants effectively entered an agreement to publish a notice and advertisement in the form of individual requests sent to the entire “Application A” room, which requests sought specific types of child pornography images. For example, on July 22, 2015, co-Defendant Marquez posted: “anyone have hot bby vids?,” meaning he was asking for someone to show videos of child pornography involving infants. Likewise, co-defendant Westbury asked, “any young teen vids?,” meaning he was asking for someone to



show videos of child pornography involving young teenagers, typically 13-14 years old. Similarly, co-defendant Sewell, on July 22, 2015, asked, “any hardcore little boy vids” and “hardcore little boy rape vids?” meaning he was requesting that someone in the room stream a video of child pornography involving prepubescent boys being forcibly sexually abused, typically in a violent form of some kind. Similarly, Lane commented, prior to the live event, “anyone showing vids?” In addition to all of Lane’s comments during the live event, he made additional comments and requests after the live event, such as “lets see some fucking,” “31 nyc perv. Fuck nephew,” and, again, “anyone have vids?”.

21. **Count Fourteen:** With regard to Count Fourteen, Lane admits that this count is supported by the facts in Paragraphs 1-15, incorporated herein. Lane acknowledges that he personally published a notice and advertisement in the form of individual requests sent to the entire “Application A” room, which requests sought child pornography images. For example, on July 22, 2015, when Lane asked the room “anyone showing vids?” and “lets see some fucking,” that Lane was not merely making a request for videos of adults engaged in consensual

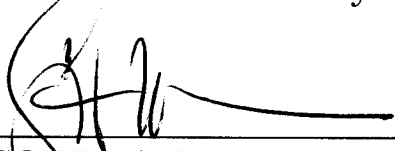
sexual activity, but instead he was in that room on that occasion asking for someone else in the room to stream videos of children engaged in sexually explicit activity.

Indeed, in the forensic analysis of Lane's electronic devices, Lane had multiple chats with individuals about his desire to see adults engaged in sexual activity with children. For example, on October 6, 2014, Lane sent a message to another user on a chat messaging application that said, "go in your boy's room. Let's jerk off there." Later, in the same conversation, Lane told the user, "I've def got porn I can share and money to pay you/fly you out here to fuck me and nephew." In fact, on September 14, 2014, in another chat conversation, Lane was asked if he had ever "fucked a b," and Lane said yes, and that the boy was 9 years old. On yet another occasion, Lane messaged an individual, "is it uber bad if I saw I wanna see you pound a 15 yo?".

ACKNOWLEDGMENTS


I have read this agreement and carefully reviewed every part of it with my attorney. I fully understand it and I voluntarily agree to it.

1.11.18  
Date

  
\_\_\_\_\_  
SCOTT LANE  
Defendant

I am the defendant's counsel. I have carefully reviewed every part of this agreement with the defendant. To my knowledge my client's decision to enter into this agreement is an informed and voluntary one.

1/11/2018  
Date


  
\_\_\_\_\_  
GERALD LORD  
Counsel for Defendant

DAVID J. FREED  
UNITED STATES ATTORNEY

1-11-18  
Date

By:   
\_\_\_\_\_  
MEREDITH A. TAYLOR  
ASSISTANT U.S. ATTORNEY

1-11-18  
Date

By:   
\_\_\_\_\_  
AUSTIN M. BERRY  
TRIAL ATTORNEY